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July 31, 2020

VIA ECF

The Honorable Gregory H. Woods  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
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**MEMORANDUM ENDORSED**

Re: *Gist v. United States of America*, 1:19-cv-05095-GHW

Dear Judge Woods:

I am counsel appointed under the Criminal Justice Act for the defendant Mr. Gist in the case referenced above. I write on behalf of both parties to respectfully request a limited extension of the August 3, 2020 deadline for Mr. Gist's reply letter to the government's opposition to his § 2255 motion in this matter for two weeks to August 17, 2020 and an adjournment of the evidentiary hearing currently scheduled for August 17, 2020. I have conferred with counsel for the government and the government does not object to these requests.

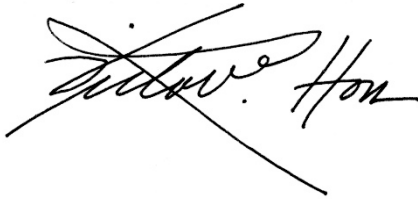
Due to the ongoing pandemic and Covid-19 crisis, I have still been unable to meet in person with Mr. Gist since March 10, 2020. Notwithstanding the pandemic, I along with my colleagues have met telephonically with Mr. Gist on April 21, 2020, May 18, 2020, June 17, 2020 and July 14, 2020. More recently, pursuant to the procedures defense counsel must follow, we made a request on Friday, July 24, 2020 for a legal call with Mr. Gist, and my colleagues and I were scheduled to speak with Mr. Gist by phone on Tuesday, July 28, 2020 to finalize a declaration from Mr. Gist in support of his reply letter. However, despite the three hour window of time that we were required to be available, we did not receive a call from MDC at any time during this window and were therefore unable to speak with Mr. Gist and attempt to finalize Mr. Gist's declaration. We made another request that same day for a legal call with Mr. Gist, which was scheduled for Thursday, July 30, 2020 and again we did not receive a call from MDC during

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the appointed window. Given our inability to speak with Mr. Gist, we are unable to discuss, finalize and obtain an executed version of his declaration in time for the August 3, 2020 deadline.

Additionally, Mr. Gist is seeking an in-person evidentiary hearing. Due to various logistical issues relating to the ongoing pandemic, which impact the availability of government counsel, witnesses, and Mr. Gist himself to appear in-person on August 17, 2020, the parties seek more time to work out these logistical issues to find time when all parties can appear in person. The parties will update the Court on a proposed updated schedule for the evidentiary hearing by August 7, 2020.

Respectfully,

A handwritten signature in black ink, appearing to read "Victor L. Hou", with a long horizontal stroke extending to the left.


Victor L. Hou

cc: Rebekah Donaleski (via email)  
Jilan J. Kamal (via email)  
Kimberly J. Ravener (via email)

Application granted. The August 3, 2020 deadline for Mr. Gist to reply to the government's opposition to his § 2255 motion is extended to August 17, 2020. Furthermore, the August 17, 2020 evidentiary hearing is adjourned sine die. The parties are directed to write the Court no later than August 7, 2020 to propose an updated schedule for the evidentiary hearing.

SO ORDERED.

Dated: August 4, 2020



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GREGORY H. WOODS  
United States District Judge